

COUNTY OF LOUDOUN
DEPARTMENT OF PLANNING
MEMORANDUM

DATE: February 16, 2011
TO: Loudoun County Planning Commission
FROM: Van Armstrong, Program Manager
SUBJECT: February 16, 2011 Planning Commission Work Session
ZCPA 2009-0008, Arcola Center – The Shops
ZCPA 2009-0009, Arcola Center

BACKGROUND

The Planning Commission reviewed these applications on February 9, 2011 regarding (1) Land Use Phasing, (2) Route 50 / Loudoun County Parkway Interchange Contribution, and (3) Commitment to Develop Multifamily Units. The applicant summarized the changes to the development phasing describing the inclusion of The Shops non-residential development linked in with phases of Arcola Center, and that 30% of the first phase of residential development would be multi-family dwellings to minimize capital facilities impacts.

The interchange contribution was further discussed by the Commission preferring removal of the 75% funding requirement prior to provision of the applicant's contribution. The applicant desires assurances that interchange construction would commence soon after the contribution would be made. The Commission suggested a change to replace the language of "*75% of the funding necessary*" with "*commitment for the funding necessary*" in Arcola Center, The Shops proffer IV.J., and Arcola Center proffer V.J.1.

The applicant and staff agreed to return to the Planning Commission at the February 16, 2011 worksession to finalize this language.

ISSUE STATUS:

Route 50 / Loudoun County Parkway Interchange Contribution

The Office of Transportation Services and the applicant have met to discuss the process of funding and construction of interchanges, and have agreed to draft language requiring bonding of the interchange contributions at such time as approved final design plans or 30% final design plans are completed. The applicant will post the cash amount replacing the bond within 90 days upon a request from the County to the applicant that a notice to proceed with construction of the interchange has been issued. The revised language for both applications is attached and complete proffer statements will be provided to the Planning Commission at the February 16 worksession.

STAFF RECOMMENDATION

Staff supports approval of the applications, subject to the revised Proffer Statements dated February 15, 2011 and the Findings in the work session memo.

SUGGESTED MOTIONS:

1. I move that the Planning Commission forward ZCPA 2009-0008, Arcola Center – The Shops and ZCPA 2009-0009, Arcola Center to the Board of Supervisors with a recommendation of approval, subject to the Proffer Statements dated February 15, 2011, and with the Findings attached.
2. I move that the Planning Commission forward ZCPA 2009-0008, Arcola Center- The Shops and ZCPA 2009-0009, Arcola Center to an additional work session for further discussion.
3. I move that the Planning Commission forward ZCPA 2009-0008, Arcola Center – The Shops and ZCPA 2009-0009, Arcola Center to the Board of Supervisors with a recommendation of denial based on the following Findings.

Attachments:

1. Findings for Approval
2. Applicant's draft transportation proffer excerpts dated February 15, 2011

FINDINGS FOR APPROVAL

1. The applications propose amendments to land use phasing, the timing of transportation improvements / contributions, townhouse lot details, and other minor changes to the approved Arcola Center development consistent with the Revised General Plan policies and proffer guidelines.
2. The applications do not propose any changes to the location, amount, or density of the approved uses, the land use mix, the alignment or extent of previously approved transportation commitments, or the level of any proffered commitments.
3. The proposed changes to the phasing plan (comprised of residential and non-residential uses) are consistent with the original phasing plan approved in the rezoning applications.
4. The applications are in conformance with the Revised 1993 Zoning Ordinance.

ROUTE 50 / LOUDOUN COUNTY PARKWAY INTERCHANGE CONTRIBUTION

PROPOSED PROFFERS DATED 2/15/11

THE SHOPS, ZCPA 2009-0008

IV. J. Regional Road Contribution

The Applicant shall contribute \$2,700,000 to the County for regional road improvements that will benefit the Property, including the design and construction of a grade-separated interchange at Route 50 and Loudoun County Parkway (Route 606). Said contribution shall be paid to the County in two parts: \$1,300,000 shall be paid with the issuance of the zoning permit for the Property that represents a cumulative floor area in excess of 350,000 square feet, and \$1,400,000 shall be paid with the issuance of the zoning permit for the Property that represents a cumulative floor area in excess of 650,000 square feet. Notwithstanding the above, if prior to the payment of either or both of the above-referenced contributions the County and VDOT (i) have approved final design plans for the bidding of a grade-separated interchange at Route 50 and Loudoun County Parkway (Route 606), the Applicant shall post a bond for 100% of the unpaid balance of the contributions and, subsequently, the Applicant shall post the cash amount to replace the bond within 90 days of receipt of the County's written request for the funds, which request shall not occur sooner than the issuance of the notice to proceed for the construction of the interchange, or (ii) have approved 30% design plans for a grade-separated interchange at Route 50 and Loudoun County Parkway (Route 606), the Applicant shall, upon notice from the County, post a bond for 100% of the unpaid balance of the contributions 30 days prior to the County making its required financial pledge for the financial package component of a design/build contract for the design and construction of the interchange, and, subsequently, the Applicant shall post the cash amount to replace the bond within 90 days of receipt of the County's written request for the funds, which request shall not occur sooner than the issuance of the notice to proceed for the construction of the interchange.

ARCOLA CENTER, ZCPA 2009-0009

V. J. Regional Transportation/Transit Contributions

1. Route 50/Loudoun County Parkway Interchange. The Applicant shall contribute \$5,233,500 to the County prior to the issuance of either the 1,100th residential zoning permit or the zoning permit that represents a cumulative total of more than 2,000,000 square feet of non-residential floor area for the Property, whichever occurs first. Notwithstanding the above, if prior to the payment of the above-referenced contribution the County and VDOT (i) have approved final design plans for the bidding of a grade-separated interchange at Route 50 and Loudoun County Parkway (Route 606), the Applicant shall post a bond for 100% of the contribution and, subsequently, the Applicant shall post the cash amount to replace the bond within 90 days of receipt of the County's written request for the funds, which request shall not occur sooner than the issuance of the notice to proceed for the construction of the interchange, or (ii) have approved 30% design plans for a grade-separated interchange at Route 50 and Loudoun County Parkway (Route 606), the Applicant shall, upon notice from the County, post a bond for 100% of the contribution 30 days prior to the County making its required financial pledge for the financial package component of a design/build contract for the design and construction of the interchange, and, subsequently, the Applicant shall post the cash amount to replace the bond within 90 days of receipt of the County's written request for the funds, which request shall not occur sooner than the issuance of the notice to proceed for the construction of the interchange.